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June 25, 1999

**RECEIVED**

**JUN 25 1999**

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Magalie Roman Salas, Secretary  
Federal Communications Commission  
The Portals  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

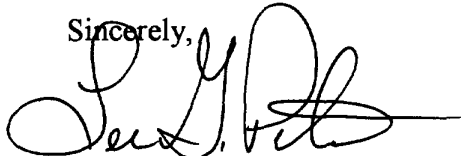
**RE: Petition for Rulemaking For:**  
**Amendment of Section 73.202(b) Table of Allotments FM**  
**Broadcasting Stations (Madisonville and College Station, Texas)**  
**Sunburst Media, LP, Licensee**

Dear Ms. Salas:

Transmitted herewith, on behalf of Sunburst Media, LP, is an original and four (4) copies of a Petition for Rulemaking to amend the Table of Allotments FM Broadcasting Stations. Specifically, the instant Petition proposes to allocate Channel 241C2 to College Station, Texas, delete the allotment of Channel 241C2 at Madisonville, Texas, and to modify the authorization of Station KAGG(FM), Madisonville, Texas to operate on Channel 241C2 at College Station.

Should there be any questions, please contact undersigned counsel.

Sincerely,



Gregg P. Skall  
Lee G. Petro

Counsel for Sunburst Media, LP

Enclosures

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JUN 25 1999

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20054

*In re:*

Amendment of Section 73.202(b)  
Table of Allotments FM Broadcast  
Stations (Madisonville and  
College Station, Texas)

RM - \_\_\_\_\_  
MM Docket - \_\_\_\_\_

TO: CHIEF, ALLOCATIONS BRANCH

**PETITION FOR RULEMAKING**

Pursuant to Sections 1.401 and 1.420(i) of the Commission's rules, 47 C.F.R. §§ 1.401, 1.420(i) (1998), Sunburst Media, LP, the licensee of Station KAGG(FM), Madisonville, Texas, by its attorneys, hereby submits this Petition for Rulemaking to amend the FM Table of Allotments, 47 C.F.R. §73.202(b) (1998), to (1) allot Channel 241C2 at College Station, Texas, (2) delete the allotment of Channel 241C2 at Madisonville, Texas, and (3) modify the facilities of Station KAGG(FM) to specify operation on Channel 241C2 at College Station, Texas.

As demonstrated in the attached engineering study, this proposal complies with the Commission's current separation requirements.<sup>1</sup> In further support of this Petition, the following is submitted:

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<sup>1</sup> The reference coordinates for Channel 241C2 at College Station, Texas are 30° 45' 26" North Latitude and 96° 24' 33" West Longitude.

1. Sunburst Media, LP ("Sunburst") requests that the FM Table of Allotments be amended as follows:

<u>Community</u>	<u>Present Channels Allotted</u>	<u>Proposed Channels Allotted</u>
Madisonville, TX	241C2, 263C3	263C3
College Station, TX	236C2	236C2, 241C2

As evidenced by the current allotment of channel 236C2, College Station, Texas is a community for allotment purposes.

2. The allotment of Channel 241C2 to College Station, and the concurrent deletion of the allotment of Channel 241C2 at Madisonville, Texas, will not deprive Madisonville, Texas of its only local service. Co-owned by Hunt Broadcasting, Stations KMVL(AM) and KMVL-FM also are licensed to Madisonville, providing the community with its first and second local services. In addition, as Figure 5 of the engineering study demonstrates, Madisonville will continue to receive service from more than five stations on a full-time basis.

3. The change of KAGG's community of license will provide College Station its third commercial local service, and will increase its service to surrounding communities. The change of community of license to College Station, and a concurrent change in the transmitter site, will increase the service area of Station KAGG by 51 square kilometers.

4. As stated above, three full-time commercial stations are licensed to Madisonville. Two commercial stations (KTSR-FM & WATW(AM)) and two noncommercial FM stations (KAMU-FM and KEOS-FM) are licensed to College Station.<sup>2</sup> The estimated population of Madisonville is 3,569 persons and the population of College Station is estimated to be 52,456 persons. Therefore, currently every 1,190 persons in Madisonville is served by a radio station,

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<sup>2</sup> The licensee for WTAW(AM) holds an expanded band construction permit (BP-970616AS). Under the Commission's rules, the licensee will turn in the license for either license, therefore, only one station has been considered in this discussion.

while every 13,114 person in College Station are served by a radio station. Should the instant Petition be granted, however, every 1,785 persons in Madisonville will be served by a radio station, and every 10,491 persons in College Station will be served by a radio station. The minimal increase of 595 persons-per-radio station in Madisonville is substantially outweighed by the 20% (2,623 persons) decrease of persons-per-radio station in College Station.

5. Clearly, the instant Petition serves the public interest. Under the allotment priorities set forth in *Revision of FM Assignment and Procedures*, 90 FCC 2d 88 (1982), the Commission will consider the following factors in granting a Petition to amend the Table of Allotments:

- (1) first full-time aural service;
- (2) second full-time aural service;
- (3) first local service; and
- (4) other public interest matters.

with co-equal weight given to priorities (2) and (3). Since both Madisonville and College Station already receive a more than five full-time aural services, and both communities have local service, the Commission will review the Petition based on other public interest matters. As discussed in paragraph 4, College Station has a substantially larger population than Madisonville, which proportionately does not receive the same level of local service as Madisonville. The Petition, if granted will provide a much needed third commercial service to College Station, and will result in a preferential arrangement of allotments. 47 U.S.C. § 307(b) (1998).


6. Sunburst Media, LP hereby certifies that it has a present intention to apply for the new channel when allotted, and when authorized, Sunburst will build the modified facilities promptly and commence operation.

WHEREFORE, for the foregoing reasons, Sunburst Media, LP hereby requests that the Commission grant the Petition for Rulemaking, and commence a rule making proceeding to allot

Channel 241C2 to College Station, Texas, delete the allotment of Channel 241C2 at Madisonville, Texas, and modify the license of Station KAGG(FM) to specify operation on Channel 241C2 at College Station, Texas.

Respectfully submitted,

**SUNBURST MEDIA, LP**

By   
Gregg P. Skall  
Lee G. Petro

Its Attorneys

PEPPER & CORAZZINI, L.L.P.  
1776 K Street, N.W., Suite 200  
Washington, D.C. 20006  
(202) 296-0600

June 24, 1999

## **Engineering Statement**

### **In Support of a**

### **Petition for Rule Making SunBurst Media, LP**

#### **General**

The instant Petition for Rule Making (PRM) was prepared for SunBurst Media, LP ("SunBurst"), licensee of KAGG, channel 241C2, Madisonville, Texas. SunBurst proposes to delete channel 241C2 at Madisonville and subsequently allocate channel 241C2 at College Station, Texas. It proposes that the license of KAGG be modified accordingly.

#### **Methods**

The SunBurst PRM is presented with supporting engineering documentation. The study begins with an allocation study. The proposed modification's technical compliance is then supported by additional exhibits.

The search was performed on a V-Soft SearchFM program and verified with the EDX FMSR search program. The FCC F(50,50) contours were calculated using SoftWright's Terrain Analysis Package (TAP) Version 4.00.282. The studies were based on the latest technical data from the Commission's databases. Mapping, population counts, and gain/loss areas were conducted by a professional mapping program from MapInfo Corporation, Version 5.0. The program contains the exact community boundaries of the relevant cities. The boundaries were cross-checked with the U.S. Census Bureau's TIGER maps.

Since the modification requests a site change and a community of license change, it has a gain/loss study for population and square kilometers. The facility that is requesting a

community of license change includes a remaining services study that demonstrates a minimum of five (5) remaining services to all parts of the loss area.

#### **Nature of the SunBurst PRM**

Presently KAGG operates on channel 241C2 licensed to Madisonville, Texas. The SunBurst PRM requests the deletion of channel 241C2 at Madisonville and its subsequent re-allotment to College Station, Texas.

The allotment of channel 241C2 at College Station does not require any additional spectrum changes and will not leave Madisonville without local service. Madisonville will continue to be served by KMVL-AM and KMVL-FM.

#### **EXHIBITS EXPLAINED**

##### **KAGG**

Exhibit E, Figure 1 is an allocation study depicting the spacing to all known FM facilities that are affected by the allotment of channel 241C2 at College Station. The study depicts that no major changes or modifications are needed in the spectrum. Exhibit E, Figure 2 is a copy of a US Census Bureau TIGER map of the city boundaries of College Station. Exhibit E, Figure 3 is a map generated using the programs and techniques in the Methods section of the instant PRM. This study depicts the KAGG channel 241C2 allotment coordinates, a maximum class C2 70 dBu contour, and the community boundaries of College Station. It demonstrates full compliance with §73.315 of the Rules. Exhibit E, Figure 4 is a map demonstrating the gain and loss area of the respective 60-dBu contours for KAGG. Exhibit E, Figure 5 is a map depicting the remaining services in the loss area after KAGG is deleted at Madisonville and allocated to College Station. Exhibit E,

Figure 6 is a list of the facilities included in Exhibit E, Figure 6. The numbers shown for the contours in Exhibit E, Figure 5 correspond to the facilities in Exhibit E, Figure 6.

#### **SunBurst PRM Gain-Loss Area**

As shown in the corner of the gain/loss map (Exhibit E, Figure 4), the proposed deletion of channel 241C2 at Madisonville and the substitution of channel 241C2 at College Station will result in a net increase in area served of 51 square kilometers. The current population inside the 60-dBu of KAGG is 189,282 persons. The population inside the proposed 60-dBu contour is 187,630 persons. The net population loss is only 1,652 persons. This equates to a percentage population loss of only 0.87%. Exhibit E, Figure 5 shows that none of these people will be without a minimum of five (5) services remaining.

#### **Conclusion**

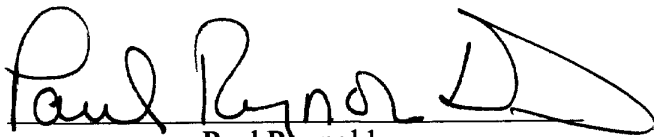
The SunBurst PRM has demonstrated that it is in technical compliance with the present Commission Rules concerning such actions. The PRM produces a new local service at College Station, Texas, a community of 52,456 persons (according to 1990 Census Bureau data). This proposed change would increase the area served by a new 60-dBu signal by 51 square kilometers.



**Certification**

I, Paul Reynolds, do hereby certify that the engineering section of the instant Petition for Rule Making was prepared by me or under my direct supervision. My reputation individually, as well as that of Reynolds Technical Associates, is known in the industry and before the Commission. All technical questions concerning the attached engineering should be addressed to me at

2421 President's Drive  
Suite B23  
Montgomery, Alabama 36116  
(334) 323-3620

A handwritten signature in black ink, appearing to read "Paul Reynolds", with a large, sweeping flourish extending from the end of the name.

Paul Reynolds  
Reynolds Technical Associates  
President

# Engineering Statement

## In Support of a

### Proposed Rule Making (PRM)

#### AD241C2 (KAGG), College Station, Texas

#### AD241C2 Proposed Allocation Study (Using Proposed Allotment Coordinates as Reference)

June, 1999

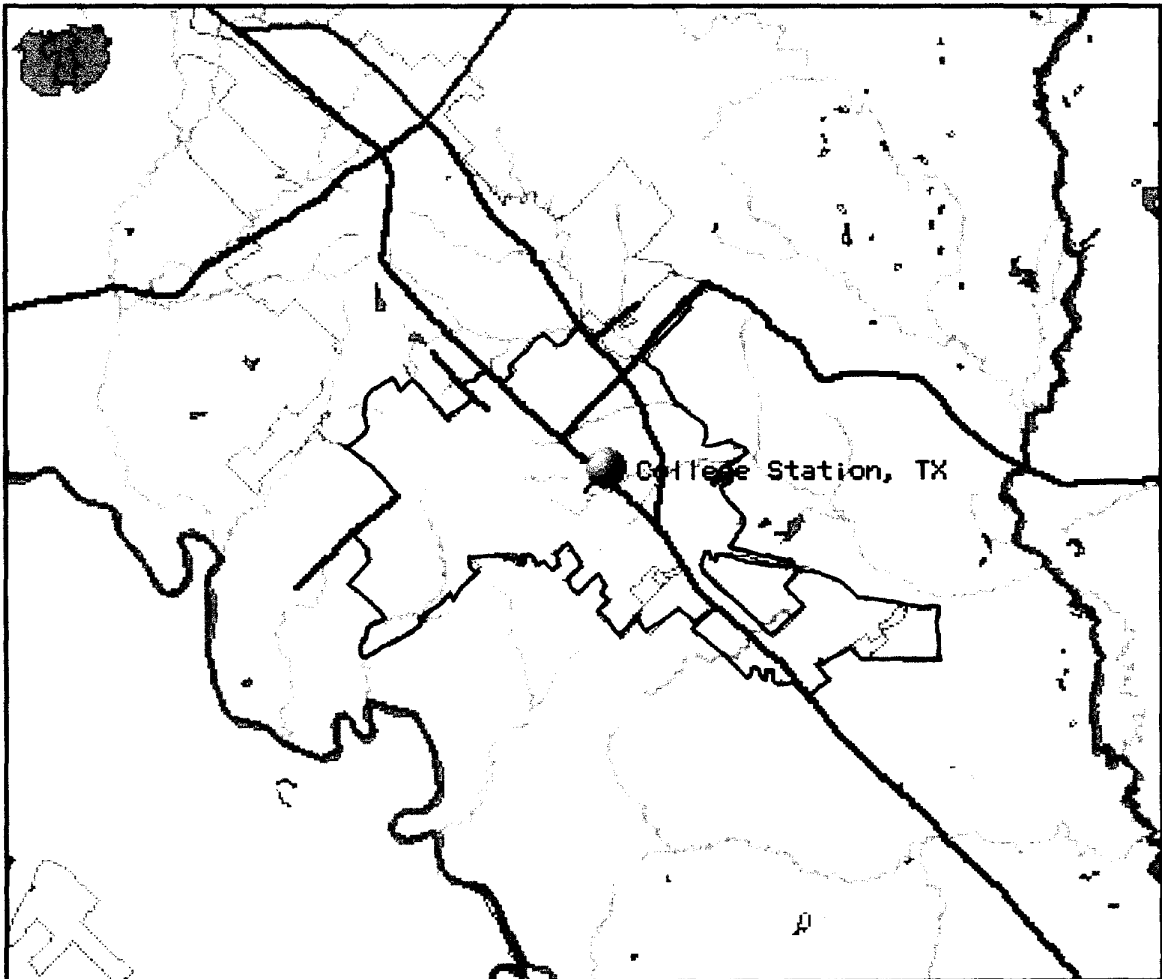
30 45 26 N.	Class C2	Search Date					
96 24 33 W.	Current rules spacings	06-22-99					
----- Channel 241 - 96.1 MHz -----							
Call	Ch#	City	State	Bear'	Dist'	R'qrd	Margin
-----							
Community of College Station			TX	151.9	19.70		
Reference Coordinates:							
North Latitude: 30-36-02							
West Longitude: 96-18-44							
KAGG	241C2	Madisonville	TX	80.3	28.41	190.0	-161.59 *
Of No Concern:							
Proposed deletion of CH241C2 at Madisonville							
In Instant PRM							
>KCKR	238C	Waco	TX	305.0	109.04	105.0	4.04
KGUL	241C3	Edna	TX	181.4	183.60	177.0	6.60
>KCKR	238C	Waco	TX	319.3	111.76	105.0	6.76
KSCS	242C	Fort Worth	TX	345.4	209.70	188.0	21.70
KXXM	241C1	San Antonio	TX	239.8	247.55	224.0	23.55
KYKZ	241C	Lake Charles	LA	100.8	276.76	249.0	27.76
>KIKKFM	239C	Houston	TX	141.4	143.03	105.0	38.03
KKTXXFM	241C2	Kilgore	TX	40.5	233.57	190.0	43.57
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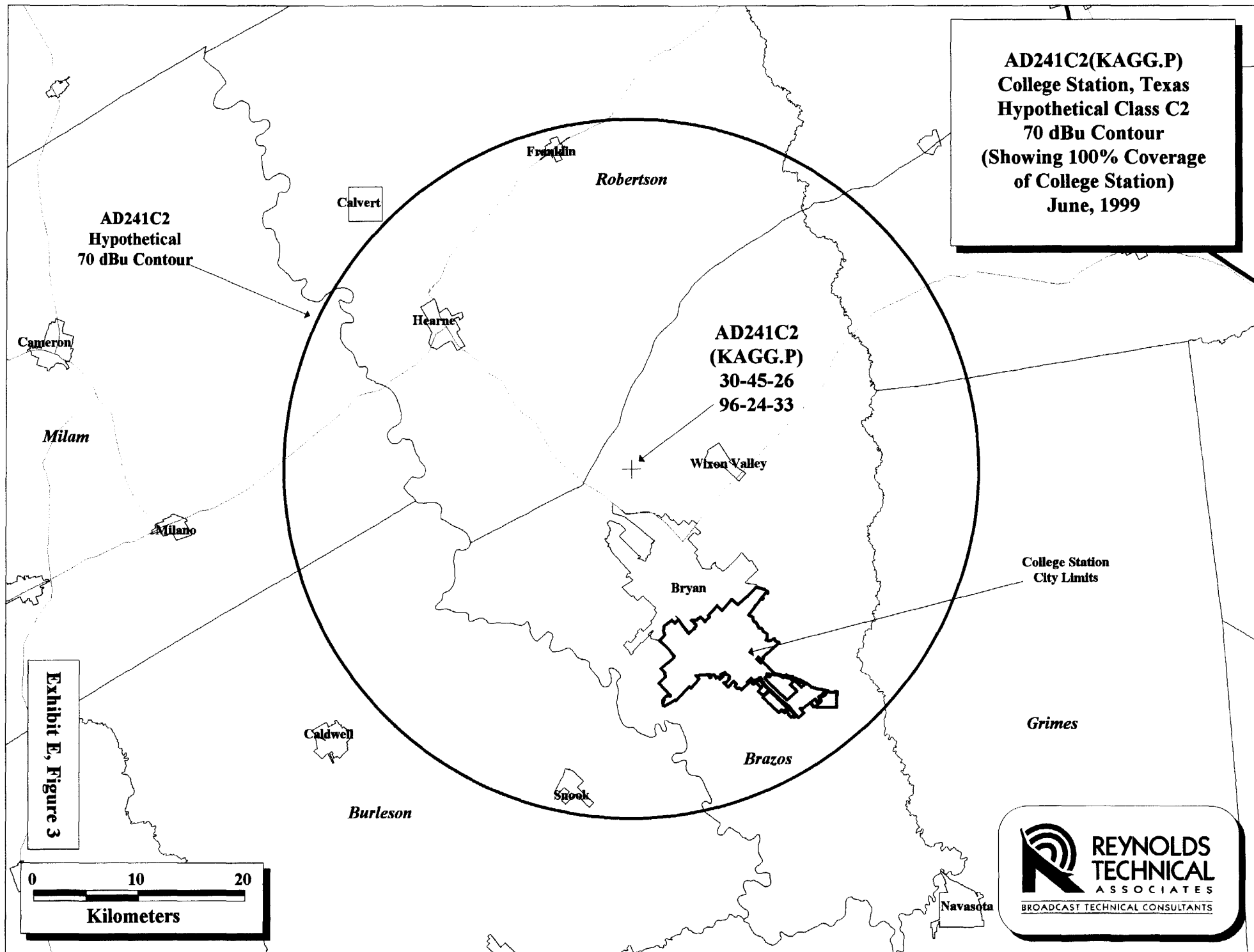
# **ENGINEERING STATEMENT**

**In Support of a  
Petition For Rule Making  
KAGG(FM), College Station, Texas**

**SunBurst Media**

## **TIGER Map of the City Boundaries of College Station, Texas**





Area Gain = 2,812 sq. km  
Area Loss = 2,761 sq. km  
Pop. Gain = 20,318  
Pop. Loss = 21,970

AD241C2(KAGG.P)  
College Station, Texas  
Gain/Loss Study  
June, 1999

AD241C2  
Hypothetical  
60 dBu Contour

KAGG.L  
F(50,50)  
60 dBu Contour

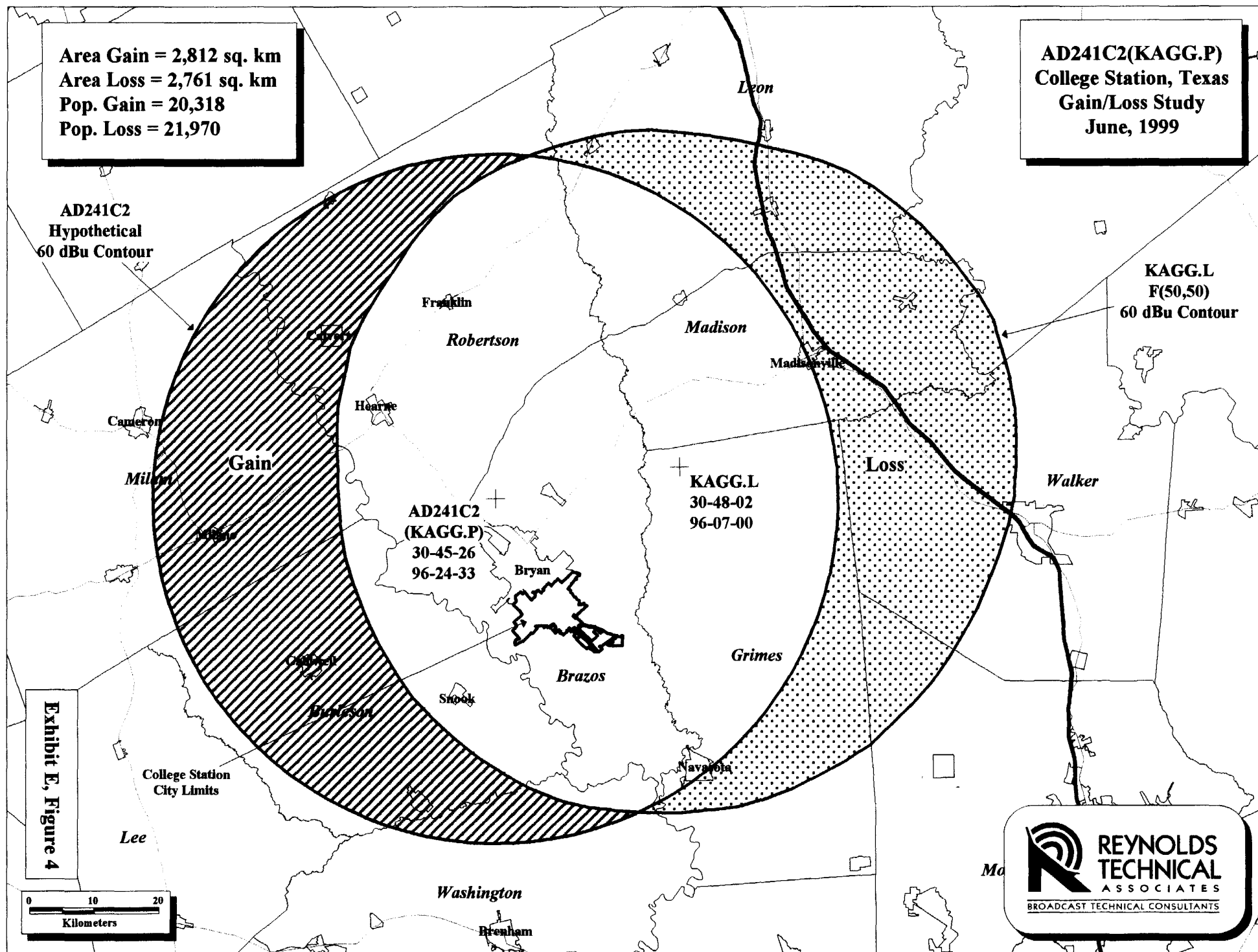
AD241C2  
(KAGG.P)  
30-45-26  
96-24-33

KAGG.L  
30-48-02  
96-07-00

Exhibit E, Figure 4

0 10 20  
Kilometers

 **REYNOLDS  
TECHNICAL  
ASSOCIATES**  
BROADCAST TECHNICAL CONSULTANTS



AD241C2(KAGG.P)  
College Station, Texas  
Remaining Services Study  
June, 1999

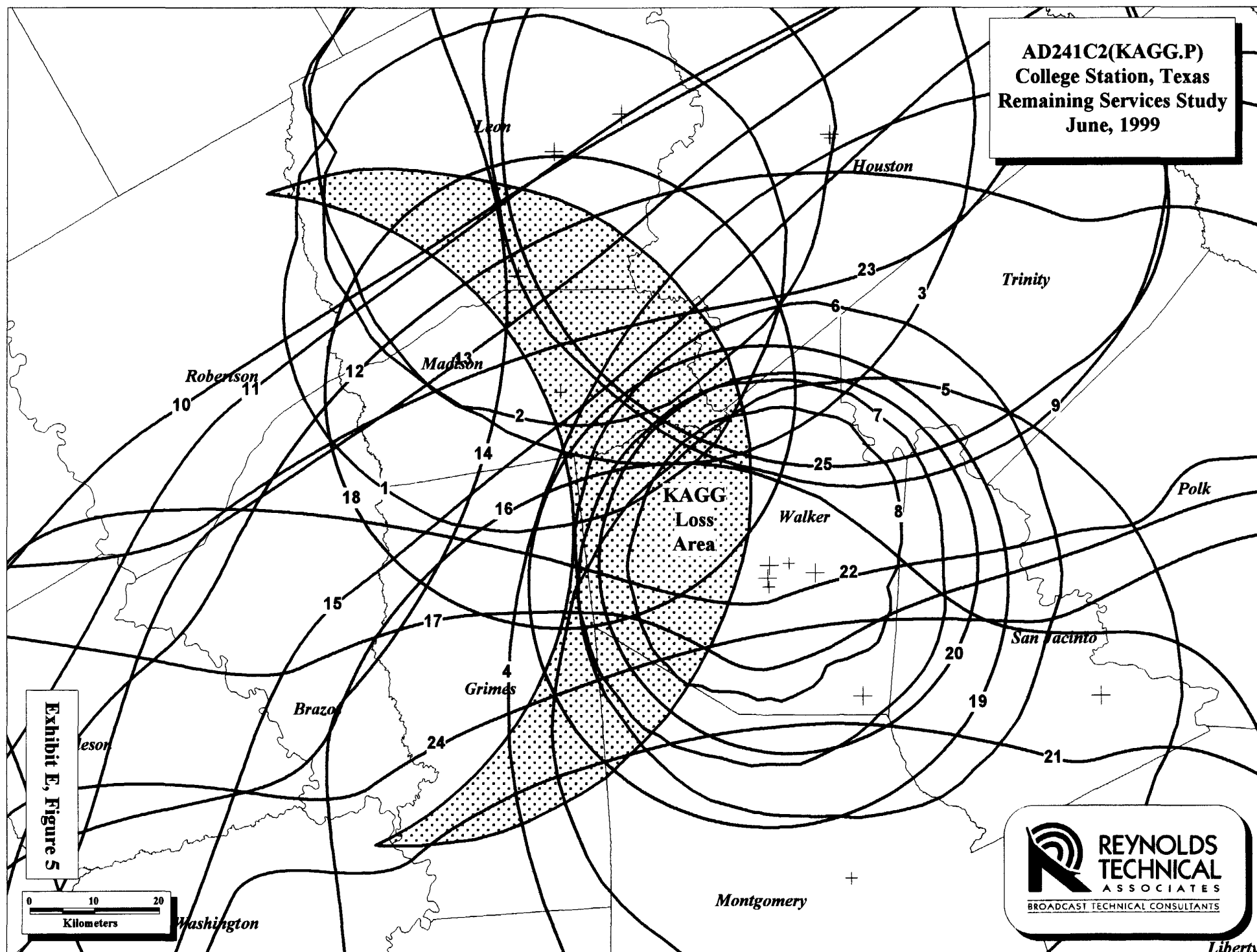


Exhibit E, Figure 5

0 10 20  
Kilometers

REYNOLDS  
TECHNICAL  
ASSOCIATES  
BROADCAST TECHNICAL CONSULTANTS

# ENGINEERING STATEMENT

In Support of a  
Petition For Rule Making  
KAGG(FM), College Station, Texas

SunBurst Media

## Stations included in KAGG Remaining Services Study

<u>Contour Number</u>	<u>Call Letters</u>	<u>City of License</u>	<u>Frequency</u>
1	KMVL-FM	Madisonville, Texas	100.5
2	KAJG-FM	Centerville, Texas	105.9
3	KBHT-FM	Crockett, Texas	93.5
4	KKTL-FM	Cleveland, Texas	97.1
5	KAXF-FM	Huntsville, Texas	88.3
6	KUST-FM	Huntsville, Texas	99.7
7	KSAM-FM	Huntsville, Texas	101.7
8	KSHU-FM	Huntsville, Texas	90.5
9	KIVY-FM	Crockett, Texas	92.7
10	KRLD-AM	Dallas, Texas	1080
11	KSKY-AM	Balch Springs, Texas	660
12	KJOJ-AM	Conroe, Texas	880
13	KLIF-AM	Dallas, Texas	570
14	KBBW-AM	Waco-Marlin, Texas	1010
15	WBAP-AM	Fort Worth, Texas	820
16	KENR-AM	Houston, Texas	1070
17	KBME-AM	Houston, Texas	790
18	KMVL-AM	Madisonville, Texas	1220
19	KSAM-AM	Huntsville, Texas	1490
20	KHCH-AM	Huntsville, Texas	1400
21	KCOH-AM	Houston, Texas	1430
22	KILT-AM	Houston, Texas	610
23	KTRH-AM	Houston, Texas	740
24	KPRC-AM	Houston, Texas	950
25	KIVY-AM	Crockett, Texas	1290